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REMARKS

The Office Action mailed March 17, 2008, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Status

Claims 1 – 10 are pending in the subject application. By this Amendment, Claim 1 has been amended and Claims 6 – 7 have been withdrawn. Consequently, the claims under consideration are believed to include Claims 1 – 5 and 8 – 10.

Claim Rejections Under §102

Claims 1 – 5 and 8 – 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dupuis et al., (U.S. Patent 6,120,780). This rejection is respectfully overcome.

Applicants respectfully can not agree. It is well settled that to anticipate a claim, a single source must contain all of the elements of the claim. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569, 1574, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984); *In re Marshall*, 578 F.2d 301, 304, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

The present invention as claimed in newly amended Claim 1, is directed to a process for the preparation of concentrates in liquid or liquid-disperse form comprising wherein the polymerization being performed in a polymerization medium, subsequently a higher-boiling solvent etc is added, and subsequently the polymerization medium is removed so that a concentrate in liquid or liquid-disperse form comprising the previously added higher-boiling solvent etc. is obtained (emphasis added). In stark contrast, in Dupuis, et al., (U.S. Patent 6,120,780), the polymerization is performed in a polymerization medium and the polymer obtained is

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removed from the polymerization medium via a filtration step whereby the polymer is obtained in solid form (see e.g. Examples A and B of Dupuis). In Dupuis it is not disclosed to add a higher-boiling solvent, etc., directly after the polymerization step and before removal of the polymerization medium. Thus, the process according to claim 1 of the instant application is novel in view of the disclosure of Dupuis, et al., (U.S. Patent 6,120,780).

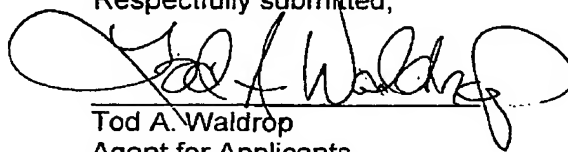
In view of the above, it is believed that the §102 rejection has been overcome. Applicants, therefore, courteously solicit reconsideration and withdrawal of the rejection.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the agent for Applicant at the telephone number provided below.

An early and favorable action is courteously solicited.

Respectfully submitted,



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